UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1224
3 December 1997

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE 1224th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 8 August 1997, at 3 p.m.

Chairman: Mr. BANTON

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GE.97-17734 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Twelfth periodic report of Sweden (CERD/C/280/Add.4; HRI/CORE/1/Add.4)

1. At the invitation of the Chairman, Mr. Magnuson, Mr. Perklev and Mr. Lindqvist (Sweden) took places at the Committee table.

2. Mr. MAGNUSON (Sweden) pointed out that, in just a few decades, Sweden had become a multicultural society, to the point where first- and second-generation immigrants now made up nearly 20 per cent of its population.

3. The Swedish Government, which was convinced that effective integration of refugees and immigrants was an essential basis for good ethnic relations, had for a number of years had reason to believe that that goal was being achieved through its policies. However, since the end of the 1980s, the integration process had encountered increasing difficulties: immigrants appeared to be in a less favourable situation than the rest of the population, their situation tended to grow worse and, as in other European countries, their integration had proved to be a more complex process than had initially been thought.

4. The Swedish Government considered the improvement of its integration policies to be one of its most important tasks, and was convinced that it had to do whatever was necessary to ensure that equality and tolerance would prevail, not only in principle but also in practice. That called for the adoption of new policies in different areas of society and at different levels, accompanied by changes in the administrative structure. In September 1997, a major bill on new integration policies was to be submitted to the Swedish parliament. It had been drawn up largely on the basis of the report by the commission assigned the task of reviewing Swedish integration policies.

5. The Act against Ethnic Discrimination had come into force on 1 July 1994. Among other things, it should have resulted in a number of charges being brought for ethnic discrimination at the workplace, but proceedings had been initiated in just one case, and the Government was considering amending the Act once a full review of its application had been completed in December 1997. The situation of immigrants and refugees on the labour market was crucial to their integration, and it was considered increasingly important that the ethnic composition in the workplace should reflect that of the population as a whole. Various initiatives had been taken, with employers and trade unions often acting in concert. The Government, for its part, would take steps beginning in autumn 1997, to increase the number of employees with a foreign background in the civil service.

6. Expressions of racial or ethnic violence were rare in Sweden, but the Government, convinced that it should do everything possible to avert them, had commissioned the Director-General of the National Council for Crime Prevention to analyse racially or ethnically motivated crime and its causes and to make suitable proposals.

7. To improve the situation of the Roma, which was less favourable than that of the rest of the population, the Government had appointed a working group, which included representatives of that ethnic community. The Government was in the process of studying the group's report, which specifically proposed that the Roma should play a more active role in efforts made to improve their situation.

8. Lastly, Sweden had established a coordination committee for the European Year against Racism, which was chaired by a former deputy prime minister.

9. Turning to more specific matters, he said that the National Council for Crime Prevention had published its report on crime among immigrants, which confirmed the provisional findings of the twelfth periodic report of Sweden: immigrants were clearly overrepresented among crime suspects, although there were significant variations between immigrant groups from different countries; second-generation immigrants were not as overrepresented as those of the first generation, and 85 per cent of immigrants had not committed any offences whatever during the period under review.

10. The security police had presented a report on acts of violence, including racial crimes, committed in Sweden in 1994 and 1995. The statistics did not lend themselves to comparison, as the collection methods had changed, but they did not appear to indicate any alarming increase in that type of criminality in Sweden. The report, which was the first of its kind, reflected the introduction of a new system under which the police were to report any offence which supposedly had a racial motivation and which therefore made it possible to monitor the situation more closely. In 1995 there had been no convictions for agitation against ethnic groups, although two persons had been convicted of unlawful discrimination.

11. In October 1996 the Supreme Court had ruled that the wearing of traditional Nazi symbols in public could be considered as agitation against an ethnic group, and was therefore a punishable offence under the Penal Code. That would appear to obviate the need for the new provision that the Government had planned to adopt when it had drawn up the twelfth report (para. 84).

12. Mr. YUTZIS (Country Rapporteur) said he would await publication, in October 1997, of the report by the National Council for Crime Prevention and, in December 1997, of the review of the Act against Ethnic Discrimination, before raising certain questions. He noted with interest the Supreme Court ruling which had established a legal precedent under which the wearing of Nazi symbols was equivalent to propaganda.

13. Referring to paragraph 5 of the report under consideration, he asked why Sweden had no legal definition of minority status when the country acknowledged the presence of at least three minority groups. There was also a contradiction between the end of that paragraph, which stated that the social situation of those minorities did not differ significantly from that of the majority, and the end of paragraph 7, according to which the position of the Roma was less favourable than that of the rest of the population. The special situation of the Tornedal Finns was also worthy of mention, for that minority group had lived for centuries on the Finnish-Swedish border and was no doubt

well represented in local bodies, but had not been recognized by Sweden as a linguistic minority. While the Swedish Government had confirmed the special status of Finnish and announced plans for bilingual education, Sweden had still not ratified the Council of Europe Charter for Regional or Minority Languages of 1992. Moreover the Roma, who were regarded not as a distinct minority but rather as immigrants, appeared to have fewer rights than other categories of immigrants and were dependent on social welfare. In that sense, it was disconcerting to note that paragraph 14 stated that immigrants were worse off than Swedes in most areas of society and that the gap was widening.

14. Turning to the application of article 2 of the Convention, and more specifically to the reference, in paragraph 22 of the report, to section 22, paragraph 10 of the Swedish Instrument of Government (protection against physical violations), he asked why the Prosecutor-General had refused to take action in the case of Sergio Nigreti, an Italian citizen injured while being held in solitary confinement in Sweden in 1993, and why the request for asylum by Monica Castillo Paez, who had arrived in Sweden in 1990, had been rejected, for the new positive refugee legislation adopted in January 1997 specifically provided for the possibility of granting political asylum to persons who would be in danger if they returned to their countries.

15. He noted, with regard to articles 2 and 4 of the Convention - which should be taken together, because they were inextricably linked - that a rather large number of racist political, university and other organizations had apparently been established in Sweden. Those organizations, which advocated a neo-Nazi ideology, had attacked Jewish property, synagogues and cemeteries, yet the authorities had not carried out any arrests or confiscated their publications, which remained in circulation. Neo-Nazi ideas were also disseminated in another way, which was all the more dangerous because of its emotional appeal, namely, through the music of certain rock groups. Of the some 250 European groups, Sweden had more than 50. Some of their promoters had obviously established links with cult magazines and recording companies to produce compact discs promoting neo-Nazi ideology. Even Sony had become involved through its subsidiary DADC, which had produced CDs for over 25 groups. Given the size of the companies involved and the number of concerts held, the authorities could not possibly have been unaware of what was going on, especially as a large number of German and English groups with such provocative names as "Das Reich", "No Remorse" and "Brutal Attack" were meeting with success in Sweden. The application of the Convention would inevitably suffer.

16. As for the situation of the Samis, he observed that although they had a Parliament, the Instrument of Government did not accord them any special status. The Government maintained that the rights of the Samis were protected, just as were those of all Swedes, and that it was thus pointless for the Instrument of Government to provide them with specific protection. Moreover, as was stated in the previous report (CERD/C/239/Add.1), the recognition of the Sami language as an official language would be extremely costly. He was nevertheless of the opinion that the Samis should be granted minority status, and their language officially recognized. He also wondered why the Samis' special hunting and fishing rights could be restricted while their exclusive right of reindeer-breeding was guaranteed, for they too were based on usufruct, a protected right that had been sanctioned since time

immemorial. According to paragraph 61 of the report, compensation was provided for persons injured by expropriation, but whereas it was possible to calculate the loss suffered by a breeder unable to produce and market reindeer meat, it was impossible to assess the losses incurred by those who could no longer wse the land for hunting and fishing, or who had to compete in their traditional hunting grounds with hunters whose methods - involving the use of dogs - were prejudicial to them. The Government undoubtedly wanted to ensure equal hunting and fishing rights for all citizens, but in so doing it deprived the Samis of control over those activities.

17. The right to practise the religion of one's choice was of interest to the Committee, insofar as the religions of minorities were often different from those of the majority. In countries such as Sweden which had a State religion, he knew from experience that there was a great temptation to attach more importance to that religion than to the others; that would inevitably create problems for the faithful of minority religions. In his view, the principle of State religion should be abolished throughout the world.

18. Mr. GARVALOV congratulated Sweden on the efforts it had made to curb racism both within the country and outside, as well as on the statement made in paragraph 2 of its report that Sweden had "in just a few decades developed ... to a multicultural society". Few countries could say as much.

19. He asked for clarification with regard to paragraph 3, which indicated the size of the "larger groups" of foreign origin living in Sweden. That designation was far from satisfactory, for while the question of immigrants, refugees and minorities was discussed later in the report, the composition and nature of those "larger groups" were never specified. Furthermore, neither the Roma, nor the Tornedal Finns, nor yet the Samis were mentioned among those groups, although the Samis, for example, numbered between 25,000 and 30,000.

20. Sweden had considered ratifying the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities. Had it decided to ratify them, and if so, had it defined the term "national minority"?

21. According to paragraphs 9 and 11, Sweden's policy in combating racism and ethnic discrimination was based on integration, which it distinguished from assimilation, and to which there was no alternative. It would therefore seem that immigrants, refugees and members of ethnic minorities had to integrate if they wanted to enjoy equal opportunities and remain in Sweden. Yet many countries in Europe and elsewhere were more flexible, and Committee members themselves had stated repeatedly, both individually and collectively, that the equality of various ethnic groups could and should be achieved by specific legislation safeguarding their ethnicity, language and national heritage. Were the Samis, the Tornedal Finns and the Roma considered to be integrated? If that were the case, how could that be reconciled with the idea of ratifying the European Charter and Convention?

22. Paragraphs 14, 17 and 38 of the report clearly stated that the gap was widening between refugees and immigrants on the one hand and Swedes on the other, that unemployment, segregation and racism were the most alarming problems currently faced by society, and that the number of racial crimes had

been rising since 1980. Yet paragraphs 158 and 159 claimed that xenophobia had declined slightly, and that the majority of the population appeared to have a tolerant or positive attitude towards immigrants. As xenophobia was one aspect of racism, it was difficult to reconcile those contradictory statements.

23. The various concrete measures that Sweden had already taken, together with those described in paragraphs 137 and 157 of the report, were, in his view, on the whole, praiseworthy.

24. Mrs. ZOU, referring to the last sentence of paragraph 7, asked what Sweden was doing to guarantee the Roma minority access to education - and thus to employment - and to improve their living conditions. In paragraph 101 the Government had described some of the steps it had taken to promote the entry of refugees and immigrants into the labour market, but in the light of employers' reluctance to hire them, she thought those efforts were still inadequate. She welcomed the information given in paragraph 112 about what the Government was doing to resolve housing segregation problems affecting certain minorities, and asked for information on the findings of the government commission responsible for drawing up housing policies which was due to complete its work in September 1996.

25. With regard to the increase in the number of racist crimes reported in paragraph 38, she would like to know whether the courts had dealt with any cases of racism, as well as the number and outcome of such cases, if any, and whether the Government had carried out an in-depth study of such crimes so as to be in a better position to prevent their occurrence. She noted, as had Mr. Garvalov, the contradiction between that paragraph and paragraphs 158 and 159 and requested an explanation.

26. Mr. de GOUTTES commended the Swedish delegation on the quality of its twelfth periodic report, which took into account the Committee's guidelines on form and content. Sweden's report revealed that the country had experienced a far-reaching transformation because, after having long been ethnically homogenous, it had in just a few decades become a multicultural society, with the problems that that inevitably entailed, namely, reservations on the part of the Swedish population about immigration and the emergence of social and economic indications of non-integration, including employment and housing problems, unemployment, crime and drug addiction. It also contained some very useful information on the provisions of the Penal Code designed to curb racial discrimination, as well as on the various bodies and institutions established to combat racial and ethnic discrimination.

27. With regard to the question of immigration, paragraph 17 referred to the bill on new integration policies that the Government had intended to submit to Parliament in early 1997. It would be useful to know a little more about the nature of that bill and what had happened to it. He also requested information about the conclusions of the reports of the Immigration Board mentioned in paragraph 110, concerning the difficulties encountered by immigrants and refugees on the labour market. He asked what action had been taken on the policy document drawn up by the National Police Board, which had

stressed that the police service needed more officers belonging to ethnic minorities, and whether there were any statistics on the number of police officers from ethnic minorities or immigrant groups.

28. With regard to the Act against Ethnic Discrimination, it was stated in paragraph 47 of the report that section 8 of the Act prohibited employers from disregarding job applicants because of racial or ethnic considerations. However, the prohibition applied only if the employer hired someone other than the person subjected to discrimination. Did that mean that a refusal to hire or recruit a person on racial grounds was not in itself considered an offence as long as another person was not hired? A limitation of that nature might well let discrimination go unpunished.

29. Referring to statistics on racially motivated crimes, he noted that according to paragraph 76 of the report the police intended to submit reports presenting more reliable information on the number of such crimes in the spring of 1997 and asked whether those reports were now available.

30. Finally, he asked whether the Ombudsman mentioned in paragraphs 42 et seq. was in any way associated with the drafting of the periodical report, and whether the Government could assign to the Ombudsman the task of disseminating and publicizing the periodic reports submitted to the Committee, along with the Committee's observations and conclusions?

31. Mr. WOLFRUM said he was struck by the fact that, as indicated in paragraph 32 of the report, section 9 of the Swedish Penal Code provided for the punishment of any businessman who, in the conduct of his business, discriminated against an employee, while paragraph 101 of the report referred to measures aimed at encouraging employers to hire non-Scandinavian immigrants and refugees. Surely there was a contradiction between those two approaches.

32. He welcomed the measures mentioned in paragraph 61 for the protection of the Sami people against expropriation of the land on which they bred reindeer, particularly as their right to do so was based merely on usufruct and as in most legal systems expropriation applied only to property. It was to be hoped that the Government would continue to protect that activity, which was essential to the preservation of Sami culture. On the same subject, he said it was his understanding that the Sami Parliament was basically an advisory body, and asked whether it also had any decision-making powers and, if so, in which fields. Moreover, why had Sweden waited so long before establishing a Sami Parliament?

33. It was interesting to note in paragraph 82 that on 1 July 1994 a new provision of the Penal Code had entered into force, imposing more severe punishment for racist crimes. However, the last sentence of paragraph 83 ("It is therefore not possible for a racist organization to exercise any activities without breaking the law") was puzzling. Did it mean that Sweden was attempting in a roundabout way to apply article 4 (b) of the Convention, or was there another provision in the Penal Code that prohibited racist activities? It appeared that article 4 (b) was not being fully applied, and as Sweden had not entered any reservations, clarification would be appreciated.

34. The fact that foreigners in Sweden had been able to vote in local elections was a positive step which very few countries had taken. However, voter participation in such elections was declining steadily, as was clear from the table in paragraph 92 of the report. What explained that decline? Sweden had also introduced exemplary education programmes in the languages of immigrants although, according to certain sources, funds for those programmes had been severely cut in the past three years. He asked whether that was the case.

35. In conclusion, he noted that there was a State religion in Sweden, namely, Lutheran protestantism. While that was quite normal, it was strange, if not discriminatory, that everyone, including immigrants not belonging to that religion, was obliged to pay a tax to the church. He requested clarification of that obligation even though he had heard that there were plans to abolish it in 2001 or 2002, subject to Parliamentary approval.

36. Mr. VALENCIA RODRÍGUEZ noted with satisfaction that Sweden recognized the multicultural character of its society and that the entire population of the country enjoyed equal rights. However, paragraphs 7 and 14 revealed that the Roma and immigrants were in a less favourable situation than the rest of the population. What was being done to help those groups overcome their difficulties, and what were the results? Did Sweden plan to do something to provide more precise statistics on the size of minority groups in the country, and specifically of the Tornedal Finns, the Roma and the Sami people?

37. It was difficult to understand the term "unlawful discrimination" used in paragraph 32. Was the meaning the same as in paragraph 48 - treatment motivated by differences that were not based on objective grounds? Who would be able to decide quite impartially whether or not discrimination was unlawful? Would that be the privilege of the employer? He also requested clarification of the term "anti-racist counter-violence", used in paragraph 38, and asked exactly what steps had been taken by the Prosecutor-General to combat racist crimes.

38. Noting that paragraphs 60 to 69 dealt at length with the functions and responsibilities of the Sami Parliament, he said it would be interesting to have more detailed information about the social, economic and cultural measures which were being considered to improve the situation of the Samis. He also asked whether the Government intended to increase the scope of measures already adopted in favour of that minority.

39. According to paragraph 75, statistics for 1993 indicated that attacks on refugees had not been organized. How had the Government reacted to that situation and with what results? Moreover, which legislative provisions prohibited the existence of racist organizations as such.

40. He too was concerned about he decline in voter participation among foreigners in local elections. Had any efforts been made to determine why that was so and had anything been done to reverse the trend?

41. Mr. LECHUGA HEVIA noted that, according to the report, most Roma were Swedish citizens and therefore enjoyed complete equality of rights and obligations, and yet it was recognized, at the end of paragraph 7, that the

social position of the Roma was less favourable than that of the rest of the population. Moreover, paragraph 11 stated that racism could be effectively counteracted only if everyone was dealt with on an equal footing, yet according to paragraph 14, the commission assigned to review integration policies had concluded that immigrants were worse off than Swedes in most areas of society. How could those contradictions be explained?

42. He asked what was meant by the term "unlawful discrimination" in paragraph 32 and said he failed to understand the statistics presented in paragraph 39, which had been collected by the National Council for Crime Prevention, or the connection between that paragraph and the application of the Convention. Moreover, referring to article 4, he raised a question applicable to all European countries that did not respect the provisions of that article: why were steps not taken to prohibit racist organizations?

43. Mr. DIACONU noted with satisfaction the many administrative and legislative measures and the initiatives of society in general which had been taken to implement the Convention. However, he noted that although racist propaganda and violence were punishable under Swedish law, racist organizations were not forbidden, that could only lead to problems in ensuring the application of the Convention.

44. Mr. Diaconu was pleased to note that section 1 of the Act Against Ethnic Discrimination contained a definition of discrimination that was more complete than the one in the Convention, and welcomed the appointment, under section 2 of the Act, of an Ombudsman to combat ethnic discrimination in the workplace and in other fields. Under section 8, employers could not turn down a job applicant for discriminatory reasons, but that provision was only applicable if another person was hired in place of the person subjected to discrimination. He wondered what would happen if all the applicants for a given job were rejected for discriminatory reasons. It might be better to sanction discriminatory recruitment, rather than its consequences. Having said that, the Act was praiseworthy in that it gave unsuccessful job applicants and training and promotion candidates the right to receive information from the employer in writing on the comparable qualifications of the candidate selected.

45. With regard to the application of article 5 of the Convention, he welcomed the fact that the Samis were offered education in their mother tongue and in Swedish. He would appreciate further information on similar opportunities offered to other minority groups and on their situation, and specifically information regarding unemployment and the proportion of youths in those groups. He also requested additional information on the ethnic composition of the population and asked how many persons in Sweden had been born to immigrants.

46. According to paragraph 5 of the report, there was no official text in Sweden which described a specific group as being a national minority. Yet the same paragraph stated that three groups could be considered to fulfil the criteria of being minority groups, namely the Tornedal Finns, the Roma and the indigenous Sami people. What criteria were used? The question was all the more pertinent because section 15 of the Instrument of Government stipulated that no statute or regulation could cause unfair treatment of a citizen on the

grounds of his belonging to a minority. It would appear to be difficult to ensure application of that section without having defined the concept of a minority.

47. The CHAIRMAN, speaking as a member of the Committee, said he had recently visited a school near Stockholm where 95 per cent of the students were foreign born. In the light of the Committee's general recommendation XIX on article 3, the Chairman considered that to be a form of domicile-related segregation which should have been mentioned in paragraph 70 of the report, in which it was affirmed that there was no racial segregation or apartheid in Sweden. The schoolteachers had told him that children of immigrants, and especially those of Turkish origin, did not have the possibility of watching Swedish television programmes at home, as their parents had satellite dishes to receive Turkish television programmes. When the Convention was being drawn up it had admittedly been impossible to imagine that the media, as a result of technological advances, would in some cases, contribute to the perpetuation of segregation. In that connection he observed that article 1, paragraph 1 of the Convention referred to discrimination in public life, and not in private life.

48. Mr. SHAHI noted with satisfaction that the Swedish Government was taking steps to promote the better integration of immigrants, and that foreigners who had resided for over three years in Sweden had the right to run for office and to vote in local elections. He further welcomed the fact that, in several areas, foreigners residing in Sweden had parity of status with Swedish citizens, and asked how many immigrants from the groups mentioned in paragraph 3 had acquired Swedish citizenship. He further noted with interest that in Sweden there were many different kinds of multiracial associations which had existed for some time, many of which engaged in activities that were aimed at facilitating the integration of immigrants into Swedish society. In addition, the authorities provided funding for the projects and activities of such organizations, which was in conformity with article 2 (e) of the Convention: very few States did that sort of thing.

49. He would appreciate additional information on the functions of the Sami Parliament and on the proportion of Samis in the public service. The question of the Roma, the majority of whom had Swedish citizenship according to the report, but whose attachment to traditions did not enable them to become fully integrated into Swedish society, should be further examined by the Committee.

50. Mrs. SADIQ ALI noted that Swedish legislation reflected most of the provisions of article 4 of the Convention. However, the report said nothing about the application of article 4 (c). Did the Ombudsman against Ethnic Discrimination also ensure that the authorities and public institutions did not promote or incite racial discrimination?

51. After the Chernobyl nuclear disaster, Sweden had drawn attention to its harmful consequences for the Sami reindeer-breeding population. Had the Samis received any compensation? Had they been resettled?

52. Mr. YUTZIS noted with satisfaction that in July 1996 the Swedish police had confiscated compact discs in Uppsala, and that the manager of the "Tapes with danger" company which had distributed the CDs had been charged with the distribution of texts hostile to ethnic minorities.

53. Mr. SHERIFIS welcomed the fact that Sweden was one of the few countries in the world where foreigners had the right to stand for office and vote in local elections. However, he noted with concern that voter participation among foreigners was falling. He would like to know why, and how many foreigners actually stood for office in such elections. He also asked what was the proportion of Swedes of foreign origin who occupied or had occupied high-level posts in the public administration.

54. Mr. Sherifis said he was concerned about the xenophobia which had emerged in Sweden. It was, of course, also emerging in other countries, but the Committee could rightfully expect much of Sweden, which had always been in the forefront of the struggle against racial discrimination. In conclusion, he asked whether the authorities disseminated the excellent report on the application of the Convention among the public, along with the Committee's conclusions and recommendations.

The meeting rose at 5.50 p.m.